

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Piyaporn Chunmuang, Debtor. Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, Movant, v. Piyaporn Chunmuang, Debtor/Respondent, KENNETH E. WEST, Esquire, Trustee/Respondent.	Bankruptcy No. 22-10865-mdc Chapter 13 Hearing Date: August 23, 2022 Hearing Time: 10:30am Location: Robert N.C. Nix Sr. Federal Courthouse, 900 Market Street, Suite 202, Philadelphia, PA 19107
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**MOTION OF WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA
TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE
ACQUISITION TRUST FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT
WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT
INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION
TRUST TO FORECLOSE ON 2421 SOUTH PERCY STREET, PHILADELPHIA,
PENNSYLVANIA 19148**

Secured Creditor, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d) and 11 U.S.C. § 1301, for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor(s), Piyaporn Chunmuang, filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on April 4, 2022.

2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On May 23, 2007, Keith T Mcateer executed and delivered a Promissory Note (“Note”) and Keith T Mcateer and Piyaporn Chunmuang executed a Mortgage (“Mortgage”) securing payment of the Note in the amount of \$75,000.00 to Nations Home Mortgage Corporation. A true and correct copy of the Note is attached hereto as Exhibit “A.”
4. The Mortgage was recorded on June 9, 2007 in Document Number 51710802 of the Public Records of Philadelphia County, Pennsylvania. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the Property located at 2421 South Percy Street, Philadelphia, Pennsylvania 19148, (“the Property”).
6. The loan was lastly assigned to Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust and same was recorded with the Philadelphia County Recorder of Deeds on March 13, 2017, as Instrument Number 53186185. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “C.”
7. Based upon the Debtor(s)’ Chapter 13 Plan (Docket No. 16), the Debtor intends to cure Secured Creditor's pre-petition arrearages within the Plan and is repsonsible for maintaining post-petition payments directly to Secured Creditor. A true and correct copy of the Chapter 13 Plan is attached hereto as Exhibit “D.”

8. Co-Debtor, Piyaporn Chunmuang, is liable on and/or has secured the aforementioned debt with the Debtor(s).
9. Upon review of internal records, Debtor has failed to make the monthly post-petition payments of principal, interest, and escrow to Secured Creditor in the amount of \$799.56 which came due on May 1, 2022 to July 1, 2022, respectively.
10. Thus, Debtor(s)' post-petition arrearage totaled the sum of \$2,398.68 through July 14, 2022. See Exhibit "E."
11. Upon review of internal records, the current unpaid principal balance due under the loan documents is approximately \$65,898.84. Movant's total claim amount, itemized below, is approximately \$140,519.17. See Exhibit "F."

Principal	\$65,898.84
Interest From 10/01/15 To 07/14/22	\$28,214.12
Escrow/Impound Required	\$24,443.99
Late Charges Due	\$123.18
Fees Currently Assessed	\$21,839.04
Payoff Funds Required	\$140,519.17

12. According to the Debtor(s)' schedules, the liquidation value of the subject property is \$183,195.00. A true and accurate copy of the Debtor(s)' Schedule A/B is attached hereto as Exhibit "G."
13. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay and Co-Debtor stay for "cause" which includes a lack of adequate protection of an interest in property. Sufficient "cause" for relief from the stay under Section 362(d)(1) and Co-Debtor stay pursuant to 11 U.S.C. § 1301 is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured

debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.

14. As set forth herein, Debtor has defaulted on the secured obligation having failed to make all monthly post-petition installment payments due to Secured Creditor.

15. As a result, cause exists pursuant to 11 U.S.C. § 362(d) and 11 U.S.C. § 1301 of the Code for this Honorable Court to grant relief from the automatic stay to allow Secured Creditor, its successor and/or assignees to pursue its state court remedies, including the filing of a foreclosure action.

16. Additionally, once the stay is terminated, the Debtor(s) will have minimal motivation to insure, preserve, or protect the collateral; therefore, Secured Creditor requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) and 11 U.S.C. § 1301 to permit Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys' fees and costs incurred in this proceeding, to waive the 14-day stay

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imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Date: July 26, 2022

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

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